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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,020	10/04/2000	Kiichiro Takahashi	01272.020439.	6101
5514 7590 11/13/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
BRINICH, STEPHEN M				
ART UNIT		PAPER NUMBER		
2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/678,020

**Applicant(s)**

TAKAHASHI ET AL.

**Examiner**

STEPHEN M. BRINICH

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 10/29/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7-12 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-12 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments (9/30/08 Response: page 6, line 8 - page 7, line 70 with respect to the rejection(s) of claims 1, 7-9, 12, & 18-20 under 35 USC §102 and the rejection of claims 10-11 & 21-22 under 35 USC §103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Takahashi et al (US 6330050).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-9, 12, & 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (JP 04-033470 A) in view of Takahashi et al (US 6330050).

Re claims 1, 9, 12, & 20, Takahashi (JP 04-033470 A) discloses (Abstract) an image processing apparatus having printing means in which preestablished printing conditions

(different types of recording media) are recognized. The apparatus judges which printing condition the printing means should perform when printing an output based on an image to be printed. The printing means performs density correction in accordance with the printing condition (the type of recording media used). Specifically, the printing means forms dots of different sizes (by ejecting controlled quantities of ink) in accordance with the image data (e.g. forming large dots of a given color in image regions of that color), and corrects the dot size in accordance with the printing condition (type of recording medium).

Takahashi (JP 04-033470 A) does not specifically describe the use of a retaining means for retaining density correction data for each of these printing conditions. However, Takahashi (JP 04-033470 A) does state that the correction of the amount of ink ejected is changed in response to the identified recording medium. To perform this function as described inherently requires that the system retains the data necessary to associate a given recording medium with a specific amount of ink ejection amount correction.

Takahashi (JP 04-033470 A) does not disclose that the printing condition is judged based on the image data to be printed.

Takahashi et al (US 6330050) discloses (column 8, lines 5-8) printing condition judgment based on the data to be printed (text mode or photo mode).

Takahashi (JP 04-033470 A) and Takahashi et al (US 6330050) are combinable because they are from the field of image printing with correction of printout parameters for image quality optimization.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to adjust the printing of Takahashi (JP 04-033470 A) in accordance with a text mode or photo mode as taught by Takahashi et al (US 6330050).

The suggestion/motivation for doing so would have been to optimally reproduce both text and photo images by customizing image correction for each mode.

Therefore, it would have been obvious to combine Takahashi (JP 04-033470 A) with Takahashi et al (US 6330050) to obtain the invention as specified in claims 1, 9, 12, & 20.

Re claims 7 & 18, Takahashi (JP 04-033470 A) discloses (Abstract) that the printing means has a plurality of printing elements (cyan, magenta, yellow, and black nozzles), each of which has an ink ejection amount corrected in this manner (which, as noted above, inherently requires the retention of correction data for each).

Re claims 8 & 19, as noted above, Takahashi (JP 04-033470 A) discloses (Abstract) that the printing elements are cyan, magenta, yellow, and black nozzles. Each of these nozzles is inherently associated with the raster of pixels having that color.

3. Claims 10-11 & 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (JP 04-033470 A) in view of Takahashi et al (US 6330050) as applied to claims 1, 9, 12, & 20 above, and further in view of Applicant's described Prior Art.

Re claims 10 & 21, Takahashi (JP 04-033470 A) and Takahashi et al (US 6330050) do not specify the use of thermal energy as the ink ejection mechanism.

Applicant describes as known Prior Art (Specification, page 1, lines 24-27) printing mechanisms that perform ink ejection via thermal energy.

Takahashi (JP 04-033470 A) in view of Takahashi et al (US 6330050) and Applicant's described Prior Art are combinable because they are from the field of printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the Takahashi ink ejection amount control in a thermal energy inkjet printer.

The suggestion/motivation for doing so would have been to enable the contrast, sharpness, or coloring of a thermal energy

inkjet printer to remain consistent across various recording media, as described by Takahashi (JP 04-033470 A) (Abstract, final sentence).

Therefore, it would have been obvious to combine Takahashi (JP 04-033470 A) in view of Takahashi et al (US 6330050) with Applicant's described Prior Art to obtain the invention as specified in claims 10 & 21.

Re claims 11 & 22, Takahashi (JP 04-033470 A) and Takahashi et al (US 6330050) do not describe simulating printing by the printing means in order to judge the printing condition.

Applicant describes as known Prior Art (Specification, page 4, line 26 - page 5, line 4) the printing of a test pattern (which simulates an actual printing run).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a test print to judge the corrections associated with printing conditions (different types of recording media).

The suggestion/motivation for doing so would have been to enable the accurate determination of what specific correction is required for each specific recording medium.

Therefore, it would have been obvious to combine Takahashi (JP 04-033470 A) in view of Takahashi et al (US 6330050) with

Applicant's described Prior Art to obtain the invention as specified in claims 11 & 22.

**Conclusion**

4. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application, entry of papers into this application, or other any inquiries of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300.



Hand-carried correspondence may be delivered to the  
Customer Service Window, located at the Randolph Building, 401  
Dulany Street, Alexandria, VA 22314.

/Stephen M Brinich/

Examiner, Art Unit 2625